

REMARKS

Claims 1-66 are pending in the application.

A voluntary amendment to the specification was filed November 26, 2007.

Subsequently, a response to the Office Action mailed November 1, 2007 was filed January 31, 2008. It is believed that the Office Action of February 6, 2008 was mailed before the Examiner received and noted the response filed January 31, 2008, since the rejections were reiterated and the response filed January 31, 2008 was not acknowledged by the Examiner. Accordingly, that response is reiterated in this paper. If this is not the case, and a further response is required to the Office Action mailed February 6, 2008, the Examiner is respectfully requested to notify the Applicant upon receipt of this paper.

Claim rejections under 35 U.S.C. §102

Claims 1-3, 8-12, 15-21, 23, 44-45, 48-49 and 50-59 were rejected under 35 U.S.C. §102(e) as being anticipated by commonly assigned US 2005/0100792 of Visco et al. (Visco).

Visco is available as a reference against the present application under §102(e) only to the extent that Visco, or an application from which Visco claims priority, discloses the subject matter relied upon in the rejection and predates the effective filing date of the present application. The present application was filed February 3, 2004, and claims priority to several provisional applications including Provisional application 60/518,948 filed November 10, 2003 and Provisional application 60/511,710 filed October 14, 2003. Visco was filed April 14, 2004, after the present application. The earliest application to which Visco claims priority is Provisional application 60/518,948 filed November 10, 2003. Accordingly, both Visco and the present application claim priority to Provisional application 60/518,948 filed November 10, 2003. It is respectfully submitted that the present claims are amply supported by the earlier and common provisional applications to which priority is claimed. Thus, Visco does not have an earlier effective filing date than the present application, and it is respectfully submitted that Visco is not available as a §102(e) reference against the present application for the present claims. Accordingly, it is respectfully submitted that Visco does not anticipate the present claims and withdrawal of the §102(e) rejection on this basis is respectfully requested.

Claim rejections under 35 U.S.C. §103

Claims 60-62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Visco in view of US 2001/0110728 of Gozdz (Gozdz).

It is respectfully submitted that Visco is not available as a reference in an obviousness rejection of claims in the present application. Pursuant to 35 U.S.C. §103(c), since the subject matter of Visco and that of the present application were commonly assigned/subject to a common assignment obligation at the time the presently claimed invention was made, Visco is not available as a reference in a §103(a) rejection against the present claims. Accordingly, withdrawal of the §103(a) rejection on this basis is respectfully requested.

Conclusion

Applicants believe that all pending claims, including previously withdrawn claims that depend from or otherwise require all the limitations of an allowable generic claim, are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at the telephone number set out below. If any additional fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP036).

Respectfully submitted,
BEYER WEAVER LLP

/jea/

James E. Austin
Reg. No. 39,489

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100